

Message

From: Poirier, Bettina (EPW) [Bettina_Poirier@epw.senate.gov]
Sent: 5/23/2016 2:53:55 AM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
CC: Albritton, Jason (EPW) [Jason_Albritton@epw.senate.gov]; Jones, Jim [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c32c4b9347004778b0a93a4cbd83fc8a-JJONES1]
Subject: Re: Urgent Review

Are we certain it does no harm it is critical. That is most important on epa consideration of future impacts

Sent from my iPhone

On May 22, 2016, at 10:48 PM, Distefano, Nichole <DiStefano.Nichole@epa.gov> wrote:

On reflection, we believe the "will present" in section 12(a)(2) should probably remain as is. It is the only place in TSCA where "will present" appears by itself. It is probably best read as involving a prediction as to whether an exported chemical, mixture or article will present an unreasonable risk in the United States.

Sent from my iPhone

On May 22, 2016, at 10:27 PM, Albritton, Jason (EPW) <Jason_Albritton@epw.senate.gov> wrote:

Jim,

In the 12(a)(2) change, are you suggesting replacing "will present" with "presents"? In current law it only says "will present", not both.

Jason

From: Jones, Jim [mailto:Jones.Jim@epa.gov]
Sent: Sunday, May 22, 2016 10:11 PM
To: Albritton, Jason (EPW) <Jason_Albritton@epw.senate.gov>
Cc: Poirier, Bettina (EPW) <Bettina_Poirier@epw.senate.gov>; Distefano, Nichole <DiStefano.Nichole@epa.gov>
Subject: Fwd: Urgent Review

There are two additional reference to "will present" that should be stricken:

- A reference in section 12(a)(2) of current TSCA; and
- A reference in the new language you are considering adding, per EPA TA, in Section 21 (item 2 on your list); should strike "or will present"

Aside from these two references, we do not see any additional issues with the attached language including the additionL change sent at 9:17.

Jim

From: Distefano, Nichole
Sent: Sunday, May 22, 2016 9:20 PM
To: Jones, Jim <Jones.Jim@epa.gov>; Mclean, Kevin

<Mclean.Kevin@epa.gov>; Berol, David <Berol.David@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>; Grant, Brian <Grant.Brian@epa.gov>
Subject: Fwd: Urgent Review

A little more on the list of changes. The question is whether or not the below change needs to be made in Sect 6 in order to ensure industry initiated are removed from pause.

Sent from my iPhone

Begin forwarded message:

From: "Albritton, Jason (EPW)"
<Jason_Albritton@epw.senate.gov>
Date: May 22, 2016 at 9:17:47 PM EDT
To: "Distefano, Nichole" <DiStefano.Nichole@epa.gov>
Subject: RE: Urgent Review

Additional change:

. On p. 46, line 24 through p. 47 line 2, delete
the following:

"and that are not drawn from the 2014 update
of the TSCA Work Plan for Chemical
Assessments"

From: Distefano, Nichole
[mailto:DiStefano.Nichole@epa.gov]
Sent: Sunday, May 22, 2016 9:15 PM
To: Albritton, Jason (EPW)
<Jason_Albritton@epw.senate.gov>
Cc: Jones, Jim <Jones.Jim@epa.gov>; Poirier, Bettina
(EPW) <Bettina_Poirier@epw.senate.gov>
Subject: Re: Urgent Review

Folks are looking at this now.

Sent from my iPhone

On May 22, 2016, at 9:02 PM, Albritton, Jason (EPW)
<Jason_Albritton@epw.senate.gov> wrote:

Can you please review the attached
language which intended to implement
the list of changes we discussed earlier?
In particular, can you confirm that we
removed every appropriate reference

of "will present" and did not leave any
that will create issues?

Message

From: Poirier, Bettina (EPW) [Bettina_Poirier@epw.senate.gov]
Sent: 5/23/2016 2:59:04 AM
To: Jones, Jim [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c32c4b9347004778b0a93a4cbd83fc8a-JJONES1]
CC: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]; Albritton, Jason (EPW) [Jason_Albritton@epw.senate.gov]
Subject: Re: Urgent Review

Did michal contact you all. She thought you didnt need it but id like to know the legal argument why its ok to be different. It concerns me

Sent from my iPhone

On May 22, 2016, at 10:56 PM, Jones, Jim <Jones.Jim@epa.gov> wrote:

We are.

Sent from my iPhone

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Cc: Poirier, Bettina (EPW) <Bettina_Poirier@epw.senate.gov>; Distefano, Nichole

<DiStefano.Nichole@epa.gov>

Subject: Fwd: Urgent Review

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From: Distefano, Nichole

Sent: Sunday, May 22, 2016 9:20 PM

To: Jones, Jim <Jones.Jim@epa.gov>;

McClean, Kevin

<McClean.Kevin@epa.gov>; Berol, David

<Berol.David@epa.gov>; Kaiser, Sven-

Erik <Kaiser.Sven-Erik@epa.gov>;

Schmit, Ryan <schmit.ryan@epa.gov>;

Cleland-Hamnett, Wendy <Cleland-

Hamnett.Wendy@epa.gov>; Grant,

Brian <Grant.Brian@epa.gov>

Subject: Fwd: Urgent Review

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To: "Distefano, Nichole" <DiStefano.Nichole@ep

[a.gov](#)>

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[\[mailto:DiStefano.Nichole@epa.gov\]](mailto:DiStefano.Nichole@epa.gov)

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2016 9:15 PM

To: Albritton, Jason
(EPW)
[<Jason_Albritton@epw.senate.gov>](mailto:Jason_Albritton@epw.senate.gov)

Cc: Jones, Jim
[<Jones.Jim@epa.gov>](mailto:Jones.Jim@epa.gov);
Poirier, Bettina (EPW)
[<Bettina_Poirier@epw.senate.gov>](mailto:Bettina_Poirier@epw.senate.gov)

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Can you
please

review
the
attache
d
languag
e which
intende
d to
implem
ent the
list of
change
s we
discuss
ed
earlier?
In
particul
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you
confirm
that we
remove
d every
approp
riate
referen
ce of
"will
present
" and
did not
leave
any
that
will
create
issues?

Message

From: Poirier, Bettina (EPW) [Bettina_Poirier@epw.senate.gov]
Sent: 5/26/2016 9:37:20 PM
To: Albritton, Jason (EPW) [Jason_Albritton@epw.senate.gov]
CC: Kaiser, Sven-Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac78d3704ba94edbbd0da970921271ff-SKAISER]; Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
Subject: Re: Updated Statement for the Record_EPW edits 5.26.16.docx

This is not going to be just a markey document. Fyi.

Sent from my iPhone

On May 26, 2016, at 5:36 PM, Albritton, Jason (EPW) <Jason_Albritton@epw.senate.gov> wrote:

Sven,
Can you let us know if EPA has any comments or issues with the attached edits to the statement for the record on TSCA?
Thanks,
Jason

Message

From: Poirier, Bettina (EPW) [Bettina_Poirier@epw.senate.gov]
Sent: 9/8/2016 4:47:24 PM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdc3eb96e8b78-Distefano,]
Subject: Re: Can I reach Jim Jones for just a few minutes this am?

Thank you!

Sent from my iPhone

> On Sep 8, 2016, at 12:06 PM, Distefano, Nichole <Distefano.Nichole@epa.gov> wrote:

>
> Just tried you. At desk - Ex. 6 - Personal Privacy

>
> Nichole Distefano
> Associate Administrator
> Office of Congressional and Intergovernmental Relations
> Environmental Protection Agency
> (202) 564-5200
> Distefano.Nichole@epa.gov

>
>
>
>
>

> -----Original Message-----

> From: Poirier, Bettina (EPW) [mailto:Bettina_Poirier@epw.senate.gov]
> Sent: Thursday, September 08, 2016 11:17 AM
> To: Distefano, Nichole <Distefano.Nichole@epa.gov>
> Subject: RE: Can I reach Jim Jones for just a few minutes this am?

> yes. Ex. 6 - Personal Privacy

>

> -----Original Message-----

> From: Distefano, Nichole [mailto:Distefano.Nichole@epa.gov]
> Sent: Thursday, September 08, 2016 10:43 AM
> To: Poirier, Bettina (EPW)
> Subject: RE: Can I reach Jim Jones for just a few minutes this am?

>
> Jim is available at noon. Can we give you a call then?

>
> Nichole Distefano
> Associate Administrator
> Office of Congressional and Intergovernmental Relations Environmental Protection Agency
> (202) 564-5200
> Distefano.Nichole@epa.gov

>
>
>
>
>

> -----Original Message-----

> From: Poirier, Bettina (EPW) [mailto:Bettina_Poirier@epw.senate.gov]
> Sent: Thursday, September 08, 2016 10:20 AM
> To: Distefano, Nichole <Distefano.Nichole@epa.gov>
> Subject: RE: Can I reach Jim Jones for just a few minutes this am?

>
> Tsca top 10 and asbestos, new question, time sensitive.

>

> -----Original Message-----

> From: Distefano, Nichole [mailto:Distefano.Nichole@epa.gov]
> Sent: Thursday, September 08, 2016 10:12 AM
> To: Poirier, Bettina (EPW)
> Subject: RE: Can I reach Jim Jones for just a few minutes this am?

>
> Checking to see if he is available. Can you tell me general topic?

>

> Nichole Distefano
> Associate Administrator
> Office of Congressional and Intergovernmental Relations Environmental Protection Agency
> (202) 564-5200

> Distefano.Nichole@epa.gov
>
>
>
>
>
> -----Original Message-----
> From: Poirier, Bettina (EPW) [mailto:Bettina_Poirier@epw.senate.gov]
> Sent: Thursday, September 08, 2016 9:54 AM
> To: Distefano, Nichole <Distefano.Nichole@epa.gov>
> Subject: Can I reach Jim Jones for just a few minutes this am?
>
> Thank you!
>
> Sent from my iPhone
>
>
>

Message

From: Peppard, Colin (Carper) [Colin_Peppard@carper.senate.gov]
Sent: 3/12/2015 8:54:37 PM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdcf3eb96e8b78-Distefano,]
Subject: TSCA Call?

Hi Nichole -

Been a while since we've talked. I hope you are well. All of the information that you and Jim provided to me last year has been incredibly useful, and I am sure you've see that Sen. Carper has chosen to cosponsor the Udall-Vitter TSCA reform bill.

I was hoping you had a few minutes to talk TSCA either tomorrow or Monday. Is there a good time for you? I'll be super quick - promise!

Thanks
Colin

Colin F. Peppard
Office of U.S. Senator Tom Carper
Senate Committee on Environment and Public Works
513 Hart Senate Office Building
202-224-2441

Connect with Senator Carper online:



Message

From: Peppard, Colin (Carper) [Colin_Peppard@carper.senate.gov]
Sent: 3/13/2015 1:16:15 PM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
Subject: Sen. Carper's TSCA Letter
Attachments: Udall_TSCA_3-10.pdf; Vitter_TSCA_3-10.pdf; Inhofe_TSCA_3-10.pdf

Nichole -

I wanted to share Sen. Carper's letter to the lead sponsors of the FRLCS21 TSCA reform bill explaining his choice to join as a cosponsor and his intention to seek further refinement of the way the legislation addresses three major areas: state coenforcement authority, the point of preemption for high priority substances, and some recourse on low priority designations made inappropriately.

There are other areas we also wouldn't mind working to improve but these are our priorities.

That said, we're also very pleased with all of the improvements we were able to obtain in the last year, and focused on maintaining the momentum of the legislation to make sure we can reform TSCA this year.

Let me know if you have thoughts or questions.

Thanks!
CP
224 3022

sent from mobile

From: Abramovich, Jessica (Carper)
Sent: Tuesday, March 10, 2015 05:42 PM
To: Spain, Emily (Carper); Ghent, Bill (Carper); Peppard, Colin (Carper); Pennington, Meghan (Carper)
Subject: TSCA Letter

PDF's attached.

Jessica Abramovich
Director of Scheduling/Executive Assistant
U.S. Senator Tom Carper - Delaware
513 Hart Senate Office Building
(202)224-2441

Connect with Senator Carper online:



United States Senate

WASHINGTON, DC 20510-0803

March 10th, 2015

The Honorable Tom Udall
United States Senator
Washington, D.C. 20510

The Honorable David Vitter
United States Senator
Washington, D.C. 20510

The Honorable James Inhofe
Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Senator Udall, Senator Vitter, and Chairman Inhofe:

First, thank you for all of the work you and your staffs have done in reforming the Toxic Substances Control Act, which for nearly four decades has failed to adequately protect the public from harmful chemicals. Bipartisanship is hard to come by in the Senate these days, especially on issues that affect the environment, but because of your leadership, Democrats and Republicans have come together to improve a law that isn't working for business or consumers.

I'm writing today to let you know that, after much careful deliberation, I've decided to cosponsor the Frank R. Lautenberg Chemical Safety for the 21st Century Act. Over the past year, you have worked diligently to address many of the changes that I requested to improve the legislation to better protect public health and the environment. My goal has always been to advance legislation that balances the critical need to protect the public from certain harmful chemicals with a regulatory process that is manageable for the businesses that produce the many safe products that we rely on each day. As a result, the Frank R. Lautenberg Chemical Safety for the 21st Century Act is much more protective of public health and the environment than both current law and earlier drafts of the Udall-Vitter bill. In particular, I appreciate the inclusion of changes I requested that would:

- ensure that EPA makes all chemical safety decisions solely on considerations of the risk of a substance to human health and the environment;
- increase protection of vulnerable populations, such as children, pregnant women, the elderly, and workers, by recognizing that chemicals can affect these groups differently and requiring EPA to ensure their protection as well as that of the general population;
- establish that EPA has new authority to require companies to supply data on chemical risks and to order additional testing of chemicals where adequate information is lacking;

- require EPA to move quickly on chemical reviews, starting with the substances that we already know to be some of the most hazardous;
- give EPA adequate resources to implement and run a successful program at an aggressive pace, including a fair share from user fees paid by regulated industries; and,
- protect people against chemical exposures in the case of spills or other inadvertent releases, such as the one that occurred in West Virginia last year.

Despite all of this progress, our work is not yet done. My hope is that we can further improve the bill in several key areas before it is voted out of the Environment and Public Works Committee and approved by the full Senate. My enthusiasm to further advance the bill will depend on the extent to which we can resolve these remaining issues. For example, I believe more work is needed to 1) give states an appropriate role in working with EPA to oversee this program; 2) ensure states are not prevented from action on risky chemicals until EPA sets a national standard; and, 3) provide the public with the ability to ask whether EPA acted appropriately, based on complete information, on low priority designations.

Shared State-Federal Responsibility for Implementation

States need to have some authority to enact and enforce laws and regulations that are identical to federal restrictions. Nearly every federal environmental, product safety, and consumer law – the treatment of nationally chartered banks under federal financial laws being a good example – as well as many other federal laws, preserve some role for the states to play in working with the federal government to enforce them. The current TSCA statute includes this provision, but it's been eliminated in the new proposal. If we are limiting states from enacting their own rules and regulations in exchange for a federal standard, we should preserve for them some role in implementing these rules and regulations. This would help give the public confidence that regulatory decisions made under TSCA will be consistently implemented nationwide.

Public Review of Major Federal Decisions on Low Priority Chemicals

The public should have some recourse when a decision is made to designate a chemical substance as a low priority based on incomplete or inappropriate information. When EPA says a substance is a low priority, EPA is saying it is likely to be safe. However, it would be possible for a future administration to misuse the low priority process, counter to Congress' intent, leading to poor decisions. To promote confidence in the reformed TSCA process, the public should have the ability to review such decisions and ask whether EPA is acting with complete and appropriate information.

Enabling States to Protect the Public from High Priority Substances Sooner

States should have the ability to take action to protect citizens for a High Priority chemical substance while EPA finalizes its assessment of the chemical's risks and understands the uses, exposures, vulnerable populations, and other key factors associated with those risks. When EPA determines that a substance is a High Priority, it means that the agency believes that substance may pose an unreasonable risk. Yet it is at this point – when the decision is first made that a chemical might be a risk – that states are prevented from taking further action to mitigate potential risks. This is despite that fact that it could take years before EPA is able to finalize national regulations that mitigate the risk. It seems more appropriate to allow states to act in some manner to protect their citizens in the interim.

Again, I appreciate your bipartisan leadership and tireless efforts to date, and I am confident that these modifications can be made in a thoughtful and effective way that builds additional support for this much-needed bill. My staff and I look forward to continuing to work closely with you and your staffs to further improve and advance this legislation.

With best personal regards, I am

Jim, our thanks
to you and your
staff for your

Sincerely yours,

John

tenacity and leadership

United States Senator

on this important issue. We look forward to
working with all of you to help craft a final
compromise that will be signed into law.

United States Senate

WASHINGTON, DC 20510-0803

March 10th, 2015

The Honorable Tom Udall
United States Senator
Washington, D.C. 20510

The Honorable David Vitter
United States Senator
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With best personal regards, I am

B.S. My thanks
to you, Jonathan
and other members

Sincerely yours,

John

of your team for your
United States Senator
remarkable tenacity and patience in helping to
craft this compromise, John. We look forward
to continuing to work with you all until the
final version of this bill is enacted!

United States Senate

WASHINGTON, DC 20510-0803

March 10th, 2015

The Honorable Tom Udall
United States Senator
Washington, D.C. 20510

The Honorable David Vitter
United States Senator
Washington, D.C. 20510

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Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

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I'm writing today to let you know that, after much careful deliberation, I've decided to cosponsor the Frank R. Lautenberg Chemical Safety for the 21st Century Act. Over the past year, you have worked diligently to address many of the changes that I requested to improve the legislation to better protect public health and the environment. My goal has always been to advance legislation that balances the critical need to protect the public from certain harmful chemicals with a regulatory process that is manageable for the businesses that produce the many safe products that we rely on each day. As a result, the Frank R. Lautenberg Chemical Safety for the 21st Century Act is much more protective of public health and the environment than both current law and earlier drafts of the Udall-Vitter bill. In particular, I appreciate the inclusion of changes I requested that would:

- ensure that EPA makes all chemical safety decisions solely on considerations of the risk of a substance to human health and the environment;
- increase protection of vulnerable populations, such as children, pregnant women, the elderly, and workers, by recognizing that chemicals can affect these groups differently and requiring EPA to ensure their protection as well as that of the general population;
- establish that EPA has new authority to require companies to supply data on chemical risks and to order additional testing of chemicals where adequate information is lacking;

- require EPA to move quickly on chemical reviews, starting with the substances that we already know to be some of the most hazardous;
- give EPA adequate resources to implement and run a successful program at an aggressive pace, including a fair share from user fees paid by regulated industries; and,
- protect people against chemical exposures in the case of spills or other inadvertent releases, such as the one that occurred in West Virginia last year.

Despite all of this progress, our work is not yet done. My hope is that we can further improve the bill in several key areas before it is voted out of the Environment and Public Works Committee and approved by the full Senate. My enthusiasm to further advance the bill will depend on the extent to which we can resolve these remaining issues. For example, I believe more work is needed to 1) give states an appropriate role in working with EPA to oversee this program; 2) ensure states are not prevented from action on risky chemicals until EPA sets a national standard; and, 3) provide the public with the ability to ask whether EPA acted appropriately, based on complete information, on low priority designations.

Shared State-Federal Responsibility for Implementation

States need to have some authority to enact and enforce laws and regulations that are identical to federal restrictions. Nearly every federal environmental, product safety, and consumer law – the treatment of nationally chartered banks under federal financial laws being a good example – as well as many other federal laws, preserve some role for the states to play in working with the federal government to enforce them. The current TSCA statute includes this provision, but it's been eliminated in the new proposal. If we are limiting states from enacting their own rules and regulations in exchange for a federal standard, we should preserve for them some role in implementing these rules and regulations. This would help give the public confidence that regulatory decisions made under TSCA will be consistently implemented nationwide.

Public Review of Major Federal Decisions on Low Priority Chemicals

The public should have some recourse when a decision is made to designate a chemical substance as a low priority based on incomplete or inappropriate information. When EPA says a substance is a low priority, EPA is saying it is likely to be safe. However, it would be possible for a future administration to misuse the low priority process, counter to Congress' intent, leading to poor decisions. To promote confidence in the reformed TSCA process, the public should have the ability to review such decisions and ask whether EPA is acting with complete and appropriate information.

Enabling States to Protect the Public from High Priority Substances Sooner

States should have the ability to take action to protect citizens for a High Priority chemical substance while EPA finalizes its assessment of the chemical's risks and understands the uses, exposures, vulnerable populations, and other key factors associated with those risks. When EPA determines that a substance is a High Priority, it means that the agency believes that substance may pose an unreasonable risk. Yet it is at this point – when the decision is first made that a chemical might be a risk – that states are prevented from taking further action to mitigate potential risks. This is despite that fact that it could take years before EPA is able to finalize national regulations that mitigate the risk. It seems more appropriate to allow states to act in some manner to protect their citizens in the interim.

Again, I appreciate your bipartisan leadership and tireless efforts to date, and I am confident that these modifications can be made in a thoughtful and effective way that builds additional support for this much-needed bill. My staff and I look forward to continuing to work closely with you and your staffs to further improve and advance this legislation.

With best personal regards, I am

Dan, thank you
for your patience
and tenacity on this
issue. We look

Sincerely yours,

Tom

United States Senator

forward to working
with you and your staff to help craft a final
compromise that will be signed into law.

Message

From: Peppard, Colin (Carper) [Colin_Peppard@carper.senate.gov]
Sent: 3/18/2015 12:33:44 AM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdc3eb96e8b78-Distefano,]
CC: Vaught, Laura [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c30920bcb6214a91b7e3c1e7810c63e1-Vaught, Laura]
Subject: Questions for Administrator Jones

Nichole and Laura –

These are the questions that I believe Sen. Carper will pose to AA Jones tomorrow. I wanted to share them in advance so Mr. Jones could offer a thoughtful response.

Please let me know if you have any thoughts or questions.

Best,
Colin

1. I believe that the most important principle for TSCA reform is to provide EPA with the tools it needs to truly protect the public from harmful chemicals, which it has been unable to do for 40 years under current law. About a year ago, I sent a letter with several of my colleagues to Senators Udall and Vitter calling for nine fundamental changes to a previous draft of their bill to make it more protective of public health. This new draft addressed each of them, including a risk-based safety standard, protection of vulnerable populations, new testing authority for EPA, and an enforceable schedule for action on chemicals.
 - Question: I understand that in 2009 EPA laid out several key principles for TSCA reform. Can you tell me if my requests are consistent with EPA's TSCA reform principles?
2. I also believe that, despite this important progress on key issues, more could be done to ensure that TSCA reform offers Americans confidence that EPA will be able to protect people from risky chemicals – something that both public health advocates *and* the chemical industry seek. To that end, in a more recent letter to the bill's sponsors, I've highlighted three areas where I'd like to achieve more progress. First, states must have an appropriate role in working with EPA to implement and oversee a new federal TSCA program. Second, EPA regulations should only trump state action after they are finalized. Third, the public should have a way to ask whether EPA has acted appropriately in making chemical prioritization decisions.
 - Question: Would these additional changes also be consistent with EPA's principles for meaningful TSCA reform?
3. I'd like to drill down on the role of the states in helping to implement a reformed EPA TSCA program. I helped to craft what Ted Kaufman called an "elegant compromise" around the regulation of nationally chartered banks under federal financial laws. Our compromise essentially offered states the ability craft their own standards where federal rules don't apply, and to have a role in enforcing federal regulations, but limited the states' authority to craft enforce laws in conflict with federal rules.
 - Question: Do you agree that this bill would fall short of offering states a similar role for enforcing federal rules under TSCA, which might limit how well TSCA safety rules are able to protect Americans from certain risky chemicals?
 - Follow up: Are there other federal environmental laws you are aware of that fail to preserve a role for the states in implementing federal standards?

Colin F. Peppard
Office of U.S. Senator Tom Carper

Senate Committee on Environment and Public Works
513 Hart Senate Office Building
202-224-2441

Connect with Senator Carper online:



Message

From: Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
Sent: 2/25/2015 11:49:53 PM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
CC: Vaught, Laura [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c30920bcb6214a91b7e3c1e7810c63e1-Vaught, Laura]
Subject: Re: Letter to NREL and LBNL on CPP

Ok let's plan to talk on Friday. Call me when you're free.

Sent from my iPad

On Feb 25, 2015, at 6:36 PM, Distefano, Nichole <Distefano.Nichole@epa.gov> wrote:

Hey Adrian -

I am tied up with Budget hearings through tomorrow but can try to give you a call on Friday after the hearing. In the meantime, if you need something more technical on TSCA you can reach out to Sven Kaiser on my staff.

Sent from my iPhone

On Feb 25, 2015, at 4:11 PM, Deveny, Adrian (Merkley) <Adrian_Deveny@merkley.senate.gov> wrote:

Absolutely. I called you back but didn't connect, and have been meaning to follow up. I'm also happy to talk later today. It would be helpful to talk TSCA as well, which is a bit more urgent of an issue.

Sent from my iPad

On Feb 25, 2015, at 3:42 PM, Distefano, Nichole <Distefano.Nichole@epa.gov> wrote:

Thanks Adrian. I left you a vm a couple of weeks ago -- we should try to connect. Maybe sometime early next week?

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Deveny, Adrian (Merkley)

[mailto:Adrian_Deveny@merkley.senate.gov]

Sent: Tuesday, February 24, 2015 3:26 PM

To: Distefano, Nichole; Vaught, Laura

Subject: Letter to NREL and LBNL on CPP

Nichole and Laura,

Please see the attached letter we sent to NREL and LBNL today on providing data to EPA for the Clean Power Plan. I am also resending the letter we sent to EPA in December with recommended changes to Building Blocks 3 and 4. I have also sent a copy of this letter to DOE.

Happy to discuss—I'm at: Personal Phone / Ex. 6.

Best,
Adrian

Message

From: Kessler, Rick [Rick.Kessler@mail.house.gov]
Sent: 12/16/2015 1:58:54 PM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
Subject: Re: Time to connect

Is this TSCA?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Distefano, Nichole
Sent: Wednesday, December 16, 2015 8:41 AM
To: Kessler, Rick
Subject: Time to connect

Rick

Do you have time to connect this morning with me and Jim Jones?

Sent from my iPhone

Message

From: Distefano, Nichole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31D32A3A3A9E4591B5FDFC3EB96E8B78-DISTEFANO,]
Sent: 10/19/2016 5:01:42 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: another draft PCB bill for you to look at

Just called you

Sent from my iPhone

On Oct 19, 2016, at 1:00 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

K

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

From: Distefano, Nichole
Sent: Wednesday, October 19, 2016 12:59 PM
To: Freedhoff, Michal (Markey)
Subject: Re: another draft PCB bill for you to look at

We will be calling from a strange number

Sent from my iPhone

On Oct 17, 2016, at 4:16 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Nichole

As discussed, here is another version of a enviro schools funding bill for you to take a look at. Rather than adopt the title I penalty funding stream approach that we used in a draft we already sent your way, this bill just authorizes funds while building on a grant program that used to exist and on EPA authority that still exists in title V of TSCA. When we talk on Wednesday, I hope Jim can tell me something about whether EPA efforts under Title V are active, and I can give some context for where I see these bills could be headed.

thanks

Michal

<TSCATitleVwithHealthySchoolsv2.docx>

Message

From: Distefano, Nichole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31D32A3A3A9E4591B5FDFC3EB96E8B78-DISTEFANO,]
Sent: 10/19/2016 4:59:42 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: another draft PCB bill for you to look at

We will be calling from a strange number

Sent from my iPhone

On Oct 17, 2016, at 4:16 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Nichole

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thanks

Michal

<TSCATitleVwithHealthySchoolsv2.docx>

Message

From: Distefano, Nichole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31D32A3A3A9E4591B5FDFC3EB96E8B78-DISTEFANO,]
Sent: 5/26/2016 9:38:16 PM
To: Poirier, Bettina (EPW) [Bettina_Poirier@epw.senate.gov]
CC: Albritton, Jason (EPW) [Jason_Albritton@epw.senate.gov]; Kaiser, Sven-Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac78d3704ba94edbbd0da970921271ff-SKAISER]
Subject: Re: Updated Statement for the Record_EPW edits 5.26.16.docx

Ok. Thank you.

Sent from my iPhone

On May 26, 2016, at 5:37 PM, Poirier, Bettina (EPW) <Bettina_Poirier@epw.senate.gov> wrote:

This is not going to be just a markey document. Fyi.

Sent from my iPhone

On May 26, 2016, at 5:36 PM, Albritton, Jason (EPW) <Jason_Albritton@epw.senate.gov> wrote:

Sven,

Can you let us know if EPA has any comments or issues with the attached edits to the statement for the record on TSCA?

Thanks,

Jason

<Updated Statement for the Record_EPW edits 5.26.16.docx>

Message

From: Distefano, Nichole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31D32A3A3A9E4591B5FDFC3EB96E8B78-DISTEFANO,]
Sent: 5/17/2016 2:50:29 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: There is a sign on letter

Hearing it is coming from pingree

Sent from my iPhone

On May 17, 2016, at 10:48 AM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

I did see this. it is from state groups not members. Who though is Mike Shimkus? ☺

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey

<image001.png><image002.png><image003.png><image004.jpg>

From: Distefano, Nichole [mailto:DiStefano.Nichole@epa.gov]
Sent: Tuesday, May 17, 2016 10:47 AM
To: Freedhoff, Michal (Markey)
Subject: Re: There is a sign on letter

Congressman Mike Shimkus

Congressman Paul Tonko

Chairman

Ranking Member

Subcommittee on Environment and Economy Subcommittee on Environment and Economy

House Committee on Energy and Commerce House Committee on Energy and Commerce

2125 Rayburn House Building

2322 Rayburn House Building

Washington, DC 20015

Washington, DC 20015

Dear Chairman Shimkus and Ranking Member Tonko:

Thank you for your leadership in the creation and passage of the Toxic Substances Control Act Modernization Act, HR 2576. As you know, this bill is a carefully crafted legislative effort to bring bipartisan support to the challenge of updating TSCA. We are writing to you today to ask

the you stand firm during conference negotiations and maintain the House passed solution to state law pre-emption issues.

We represent states that have taken action on chemical regulation. Representing diverse districts all across the country, we are concerned that the Senate version of this legislation overturns critical laws that have passed, often overwhelmingly, in our state legislatures. States have listened to their residents and determined that there were compelling reasons to regulate chemicals beyond the current TSCA statute. We believe that the House language in HR 2576 respects the sovereignty of states while recognizing the need for a strong federal role in the regulation of toxic chemicals. The House clearly rejected, by a vote of 398-1, the idea of early “preemption” of the state laws, which would prohibit states from enforcing their laws on toxic chemicals for up to 4 years.

We have different reasons for supporting these state laws ranging from health and safety concerns, to discomfort with a larger role for EPA, and support for states’ rights to regulate their own health standards. Regardless of the reason, we are unified in agreeing that the House language on this matter in HR 2576 is the best path forward as a TSCA reform bill is debated.

We respectfully and firmly ask you to include the House passed language and reject any effort to create a “pre-emption pause” in the TSCA Modernization Act, or any other proposal on this issue to be brought to the full House.

Thank you for your attention to this request.

Sincerely,

CC: Speaker Paul Ryan

Minority Leader Nancy Pelosi

Rep Fred Upton, Chairman of House Energy and Commerce Committee

Rep Frank Pallone, Ranking Member of House Energy and Commerce Committee

Sent from my iPhone

On May 17, 2016, at 10:45 AM, Freedhoff, Michal (Markey)

<Michal_Freedhoff@markey.senate.gov> wrote:

Can you send

Michal Ilana Freedhoff, Ph.D.

Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey

-----Original Message-----

From: Distefano, Nichole [<mailto:DiStefano.Nichole@epa.gov>]

Sent: Tuesday, May 17, 2016 10:45 AM

To: Freedhoff, Michal (Markey)

Subject: There is a sign on letter

Have you seen?

Sent from my iPhone

Message

From: Distefano, Nichole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31D32A3A3A9E4591B5FDFC3EB96E8B78-DISTEFANO,]
Sent: 5/26/2016 2:19:19 AM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: Sen. Markey TSCA TA request on Legislative History

Yes. We sent to BP and JA as well

Sent from my iPhone

On May 25, 2016, at 9:52 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

And I hope sharing w the group is fine. I'm just interested in the best outcome for the process, and I've asked you for TA all day, so, decided to act like a normal person with normal professional interactions.

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Wednesday, May 25, 2016 9:32 PM
To: Freedhoff, Michal (Markey); Distefano, Nichole
Subject: Sen. Markey TSCA TA request on Legislative History

Michal,
This responds to the TA request on TSCA legislative history.

EPA has some additional suggestions which are reflected in redline and comments on the attached document.

Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

<EPA comments on Statement for the Record.docx>

Message

From: Distefano, Nichole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=31D32A3A3A9E4591B5FDFC3EB96E8B78-DISTEFANO,]
Sent: 5/17/2016 2:47:06 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: There is a sign on letter

Congressman Mike Shimkus

Congressman Paul Tonko

Chairman

Ranking Member

Subcommittee on Environment and Economy Subcommittee on Environment and Economy

House Committee on Energy and Commerce House Committee on Energy and Commerce

2125 Rayburn House Building

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Rep Fred Upton, Chairman of House Energy and Commerce Committee

Rep Frank Pallone, Ranking Member of House Energy and Commerce Committee

Sent from my iPhone

On May 17, 2016, at 10:45 AM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Can you send

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey

-----Original Message-----

From: Distefano, Nichole [<mailto:DiStefano.Nichole@epa.gov>]

Sent: Tuesday, May 17, 2016 10:45 AM

To: Freedhoff, Michal (Markey)

Subject: There is a sign on letter

Have you seen?

Sent from my iPhone